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10/784,957	02/25/2004	Jea Yong Yoo	1630-0494PUS1	8450
2292 7590 01/21/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER SMARTH, GERALD A				
ART UNIT 2478		PAPER NUMBER		
NOTIFICATION DATE 01/21/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

## Application No.

10/784,957

## Applicant(s)

YOO ET AL.

## Examiner

GERALD SMARTH

## Art Unit

2478

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8, 13-17, 20-24, 29-32, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 13-17, 20-24, 29-32, and 39-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. It is hereby acknowledged that 10784957 the following papers have been received and placed of record in the file: Remark date 10/06/10.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/06/10 has been entered.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 1, 4-8, 13-17, 20-24, 29-32, and 39-40 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-8, 13-17, 20-24, 29-32, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (2003/02369005) in view of Fukunda(5937138) and in further view of Omoigui (7237254),

Regarding claim 1, Choi teaches a method of reproducing, by a content reproducing device, content information stored on a recording medium the method comprising:  
reproducing a first stream of data read out from the recording medium in synchronization with a second stream of data received from a Content providing server over a network(Choi discloses if the streaming is interrupted, the server software and the client software exchange messages to re-map a state of the client and re-synchronize playback of the content; Paragraph [005])based on a first command sent from the content reproducing device to the content providing server, (Choi discloses the method further includes receiving, by the client, the streamed media content from the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; see paragraph 8 lines 7-13) sensing a failure in receiving the second stream of data; (Choi discloses the server component and the client component include computer-executable instructions for exchanging one or more messages to re-map the state of the client and to re-synchronize playback of the content if the streaming is interrupted; Paragraph [11]) upon sensing the failure, re-synchronizing the first stream of data stream of with the second data based on information for

synchronization or re- synchronization included in the second stream of data, **(Choi discloses If the streaming is interrupted, the server software and the client software exchange messages to re-map a state of the client and re-synchronize playback of the content; Paragraph [005])**

Choi does not explicitly disclose the first stream of data comprising audio/video data and the second data comprising content data associated with the first stream of data; wherein the information in the second stream of data includes data rate information of the second stream of data and/or size information of the second stream of data

However Fukuda does teaches the first stream of data comprising audio/video data and the second data comprising content data associated with the first stream of data; **(Fukuda discloses So that the user-defined video, sub-picture, and audio portions of the multimedia title edited by the authoring encoder EC are reproduced, the authoring decoder DC comprises a scenario selector 2100 for selecting and reproducing the corresponding scenes (titles); column 11 lines 46-50) wherein** the information in the second stream of data includes data rate information of the second stream of data and/or size information of the second stream of data. **(Fukuda discloses when multiple angle viewing is enabled, the scenario data St7 also contains the encoding bit rate of each stream considering data interleaving and the disk capacity, the start and end times of each control, and whether a seamless connection should be made between the preceding and following streams; Column 27 lines 54-59)**

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Choi's system for automatically recovering from failed network

connections in streaming media scenarios with Fukuda's method and an apparatus for system encoding bitstreams for seamless connection. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction method/system which will reduce overflow or underflow of video buffering. See Fukuda lines 31-37.

Choi nor Fukuda discloses explicitly thereby simultaneously and synchronously reproducing the first stream of data together with the second stream of data,

However Omoigui does teach thereby simultaneously and synchronously reproducing the first stream of data together with the second stream of data (**Omoigui discloses the individual media streams have their own timelines, which are synchronized with each other so that the media streams can be rendered simultaneously for a coordinated multimedia presentation. The individual timelines define the timeline of the composite stream; see Column 6 lines 4-9, for data rate also see Column 12 lines 37-42**)

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Choi and Fukuda to include Omoigui's seamless switching between different playback speeds of time-scale modified data streams. One of ordinary skill in the art at the time of the invention would have been motivated to make this modification in order to have a streaming system which allows for a more efficient way to alter speeds of streams. See Omoigui column 1 lines 62- column 2 lines 10.

Regarding claim 4, the modified Choi taught the method according to claim 1, as described above. Choi further teaches wherein the information is contained within a header of the second

stream of data. **(Choi discloses when the distribution connection recovers, the server software 11 sends another stream header before streaming the content; Page 7 paragraph 93 lines 6-8)**

Regarding claim 5, the modified Choi taught the method according to claim 1, as described above. Choi further teaches wherein the sensing step includes sensing whether the failure in receiving the second data is due to a disconnection or a delay of transmission of the second stream of data over the network. **(Choi discloses the method further includes receiving, by the client, the streamed media content from the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; Page 2 paragraph 8 lines 7-13)**

Regarding claim 6, the modified Choi taught the method according to claim 1, as described above. Omoigui also teaches further comprising: delaying a time for re-synchronization, wherein during the re-synchronization delay the first stream of data is reproduced, and the second stream of data is muted and not reproduced. **(Omoigui discloses thus, client 104 is able to render the streams at the new playback speed with very little (if any) noticeable delay and little or no noticeable break or pause between the user's submission of the new playback speed and the actual rendering at the new playback speed; Column 12 lines 51-55)**

Regarding claim 7, the modified Choi taught the method according to claim 1, as described above. Omoigui also teaches further comprising:

delaying a time, for re-synchronization, wherein during the re-synchronization delay the first stream of data is reproduced, and an interpolated second stream of data is reproduced. **(Omoigui discloses the invention switches between these different playback speeds in a seamless manner, advantageously reducing breaks and/or delays between the time the user selects the new playback speed and the time the multimedia content begins being played back at the new speed; Column 15 lines 35-40)**

Regarding claim 8, the modified Choi taught the method according to claim 1, as described above. Omoigui also teaches further comprising: delaying a time for re-synchronization, wherein during the re-synchronization delay the first stream of data is reproduced, and a previous segment of the second stream of data is reproduced. **(Omoigui discloses the invention switches between these different playback speeds in a seamless manner, advantageously reducing breaks and/or delays between the time the user selects the new playback speed and the time the multimedia content begins being played back at the new speed; Column 15 lines 35-40)**

Regarding claim 13, the modified Choi taught the method according to claim 1, as described above. Fukuda further teaches wherein said re-synchronization step includes: calculating an offset value for the second stream of data to establish re-synchronization; sending a second command requesting transmission of the second stream of data corresponding to the calculated offset value from the content producing device to the content providing server ;



**(Fukuda discloses the audio start gap A\_STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; column 43 lines 10-13) and re-synchronizing the second stream of data transmitted in response to the second command with the first stream of data read out from the recording medium. (Omoigui discloses in embodiments where server 102 includes an intelligent data transfer mechanism to detect the rate at which client 104 is accepting data, client 104 and server 102 eventually resynchronize (step 310).; Column 12 lines 51-55)**

Regarding claim 14, the modified Choi taught the method according to claim 13, as described above. Fukuda further teaches wherein said calculating step is based on a present playing time of the first stream of data and a number of bytes per second of the second stream of data.**(Fukuda discloses A video stream equal in length to the specified presentation time is thus decoded by the video decoder 3800, which outputs the reproduced video signal St104 to the synthesizer 3500; column 12 lines 50-53)**

Regarding claim 15, the modified Choi taught the method according to claim 14, as described above. Fukuda further teaches wherein the offset value of the second data capable of re-synchronization is calculated by adding the present playing time of the first stream of data to a predetermined amount of time to produce a result and multiplying the result by the number of bytes per second of the second stream of data.**(Fukuda in addition, there are cases in which the final buffer occupancy during first video stream encoding**

**exceeds the initial buffer occupancy of the second video stream. In such cases, a decoding buffer overflow may occur at some indeterminate time during the coding process; see column 3 lines 12-20)**

Regarding claim 16, the modified Choi taught the method according to claim 15, as described above. Fukuda further teaches wherein the predetermined amount of time is proportional to a speed of the second stream of data being transferred over the network. **(Fukuda in addition, there are cases in which the final buffer occupancy during first video stream encoding exceeds the initial buffer occupancy of the second video stream. In such cases, a decoding buffer overflow may occur at some indeterminate time during the coding process; see column 3 lines 12-20)**

Regarding claim 17, Chen teaches an apparatus for reproducing content information-comprising: a renderer configured to reproduce a first stream of data read out from a recording medium in synchronization with a second stream of data received from a content providing server**(Choi discloses if the streaming is interrupted, the server software and the client software exchange messages to re-map a state of the client and re-synchronize playback of the content; Paragraph [005])** over a network based on a first command, **(Choi discloses the method further includes receiving, by the client, the streamed media content from the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; Page 2 paragraph 8 lines 7-13)** and a processor configured to sense a failure in receiving tile second stream of data **(Choi discloses**

**the server component and the client component include computer-executable instructions for exchanging one or more messages to re-map the state of the client and to re-synchronize playback of the content if the streaming is interrupted; Paragraph [11]) and upon sensing the failure in, re-synchronize the first stream of data with the second stream of data based on information for synchronization or re-synchronization including in the second stream of data, (Choi discloses If the streaming is interrupted, the server software and the client software exchange messages to re-map a state of the client and re-synchronize playback of the content; Paragraph [005])**

Choi does not explicitly disclose the first stream of data comprising audio/video data and the second data comprising content data associated with the first stream of data; wherein the information in the second stream of data includes data rate information of the second stream of data and/or size information of the second stream of data

However Fukuda does teaches the first stream of data comprising audio/video data and the second data comprising content data associated with the first stream of data; **(Fukuda discloses So that the user-defined video, sub-picture, and audio portions of the multimedia title edited by the authoring encoder EC are reproduced, the authoring decoder DC comprises a scenario selector 2100 for selecting and reproducing the corresponding scenes (titles); column 11 lines 46-50) wherein** the information in the second stream of data includes data rate information of the second stream of data and/or size information of the second stream of data. **(Fukuda discloses when multiple angle viewing is enabled, the scenario data St7 also contains the encoding bit rate of each stream considering data interleaving and the disk capacity, the start and end times of each**

**control, and whether a seamless connection should be made between the preceding and following streams; Column 27 lines 54-59)**

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Choi's system for automatically recovering from failed network connections in streaming media scenarios with Fukuda's method and an apparatus for system encoding bitstreams for seamless connection. One of ordinary skill in the art would have been motivated to make this modification in order to have a more efficient and seamless reproduction method/system which will reduce overflow or underflow of video buffering. See Fukuda lines 31-37.

Choi nor Fukuda discloses explicitly thereby simultaneously and synchronously reproducing the first stream of data together with the second stream of data,

However Omoigui does teach thereby simultaneously and synchronously reproducing the first stream of data together with the second stream of data (**Omoigui discloses the individual media streams have their own timelines, which are synchronized with each other so that the media streams can be rendered simultaneously for a coordinated multimedia presentation. The individual timelines define the timeline of the composite stream; see Column 6 lines 4-9, for data rate also see Column 12 lines 37-42)**

It would be obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Choi and Fukuda to include Omoigui's seamless switching between different playback speeds of time-scale modified data streams. One of ordinary skill in the art at the time of the invention would have been motivated to make this modification in order to have

a streaming system which allows for a more efficient way to alter speeds of streams. See Omoigui column 1 lines 62- column 2 lines 10.

Regarding claim 20, the modified Choi taught the apparatus according to claim 17, as described above. Choi further teaches wherein the information is contained within a header of the second stream of data. **(Choi discloses when the distribution connection recovers, the server software 11 sends another stream header before streaming the content; Page 7 paragraph 93 lines 6-8)**

Regarding claim 21, the modified Choi taught, the apparatus according to claim 17, as described above. Choi also teaches wherein the processor is configured to determine whether the failure is due to a disconnection or a delay of transmission of the second stream of data over the network. **(Choi discloses the method further includes receiving, by the client, the streamed media content from the server. The method includes sending a reconnect request from the client to the server if the streaming is interrupted; Page 2 paragraph 8 lines 7-13)**

Regarding claim 22, the modified Choi taught the apparatus according to claim 17, as described above. Omoigui further teaches wherein the processor is configured to delay a time for re-synchronization, and control such that during the re- synchronization delay the first stream of data is reproduced, and the second stream of data is muted and not reproduced, during the re-synchronization delay. **(Omoigui discloses thus, client 104 is able to render the streams at the new playback speed with very little (if any) noticeable delay and little or no noticeable**

**break or pause between the user's submission of the new playback speed and the actual rendering at the new playback speed; Column 12 lines 51-55)**

Regarding claim 23, the modified Choi taught the apparatus according to claim 17, as described above. Omoigui further teaches wherein the processor is configured to delay a time for resynchronization, and control such that during the resynchronization delay the first stream of data is reproduced, and an interpolated second stream of data is reproduced, during the resynchronization delay. **(Omoigui discloses the invention switches between these different playback speeds in a seamless manner, advantageously reducing breaks and/or delays between the time the user selects the new playback speed and the time the multimedia content begins being played back at the new speed; Column 15 lines 35-40)**

Regarding claim 24, the modified Choi taught the apparatus according to claim 17, as described above. Omoigui further teaches wherein the processor is configured to delay a time for resynchronization, and control such that during resynchronization delay-the first data is reproduced, and a previous segment of the second stream of data is reproduced, during the resynchronization delay. **(Omoigui discloses in embodiments where server 102 includes an intelligent data transfer mechanism to detect the rate at which client 104 is accepting data, client 104 and server 102 eventually resynchronize (step 310).; Column 12 lines 51-55)**

Regarding claim 29, the modified Choi taught the apparatus according to claim 17, as described above. Fukuda and Omoigui further teaches wherein said processor, is configured to re-

synchronize the first stream of data and second stream of data, calculating an offset value for the second stream of data to establish re-synchronization sending a second data corresponding to the calculated offset value to the Content providing server; **(Fukuda discloses the audio start gap A\_STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; column 43 lines 10-13)** and re-synchronizing the second stream of data transmitted in response to the second command with the first stream of data read out from the recording medium. . **(Omoigui discloses in embodiments where server 102 includes an intelligent data transfer mechanism to detect the rate at which client 104 is accepting data, client 104 and server 102 eventually resynchronize (step 310).; Column 12 lines 51-55)**

Regarding claim 30, the modified Choi taught the apparatus according to claim 29, as described above. Fukuda further teaches wherein said processor is configured to use a present playing time of the first stream of data and a number of bytes per second stream of the second data, when calculating the offset value, **(Fukuda discloses the audio start gap A\_STGAP is the time offset between the start of the audio and video presentation at the beginning of a VOB. This is a useful parameter for declaring seamless reproduction with the preceding encoded system stream; column 43 lines 10-13)**

Regarding claim 31, the modified Choi taught the apparatus according to claim 30, as described above. Fukuda further teaches wherein the offset value is calculated by said pr the modified Choi

of the first stream of data to a predetermined amount of time to produce a result and multiplying the result by the number of bytes per second of the second stream of data. **(Fukuda in addition, there are cases in which the final buffer occupancy during first video stream encoding exceeds the initial buffer occupancy of the second video stream. In such cases, a decoding buffer overflow may occur at some indeterminate time during the coding process; see column 3 lines 12-20)**

Regarding claim 32, the modified Choi taught the apparatus according to claim 31, as described above. Fukuda further teaches wherein the predetermined amount of time is proportional to a speed of the second stream of data being transferred over the network. **(Fukuda in addition, there are cases in which the final buffer occupancy during first video stream encoding exceeds the initial buffer occupancy of the second video stream. In such cases, a decoding buffer overflow may occur at some indeterminate time during the coding process; see column 3 lines 12-20)**

Regarding claim 39, the modified Choi taught the method according to claim 1, as described above. Choi further teaches wherein the step of reproducing comprises: buffering the second stream of data prior to synchronization. **(Choi discloses if the reconnection process occurred relatively quickly, the server 108 may have buffered a small amount of the live content, and will deliver that buffered content to the client 110 if reconnection is successful; Page 3 paragraph 28 lines 10-14)**



Regarding claim 40, the modified Choi taught the apparatus according to claim 17, as describe above. Fukuda further teaches comprising: a buffer configured to buffer the second stream of data prior to synchronization. **(Fukuda in addition, there are cases in which the final buffer occupancy during first video stream encoding exceeds the initial buffer occupancy of the second video stream. In such cases, a decoding buffer overflow may occur at some indeterminate time during the coding process; see column 3 lines 12-20)**

#### Conclusion

6. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05 ©.

7. The following reference teaches execution of trial data.

US 6230200

US 1999/5870140

US 1999/5870140

US 2002/0120728

US 1999/5978840

The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claim. That is indicated support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Smarth whose telephone number is (571)270-1923. The examiner can normally be reached on Monday-Friday(7:30am-5:00pm)est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571)272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. S./

Examiner, Art Unit 2478

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2478